

Clean air compromises, pollution sales

ON APRIL 3 THE SENATE PASSED A NEW clean air bill, riddled with compromise and caution. After weeks of bitter wrangling over various amendments meant either to save polluters money and preserve jobs or to preserve ecosystems and lower the health risks from breathing air near U.S. cities, the lawmakers seemed happy to reach a consensus and approved the bill by a vote of 89 to 11.

But while it is an important piece of environmental legislation, the bill also represents a retreat from some current environmental standards. There are indications that even its most pro-environmental requirements won't eliminate the problems resulting from this country's abuse of the atmosphere.

The bill has four main provisions:

- It requires coal-fired electric power plants—most of which are located in the Midwest—to reduce the 25 million tons of acid-rain-causing sulfur-dioxide particles they emit annually to 15 million tons by the year 2000.

- It requires all U.S. automobiles to meet California's new standards for a 50 percent reduction in emission of toxic pollutants by 1994, one year after the limits take effect in the western state.

- It gives U.S. companies five years to install the best available pollution-control technology for 191 hazardous chemicals their factories routinely pour into the air.

- And it gives U.S. cities and metropolitan regions that currently violate clean-air standards from 10 to 20 years to meet the new clean-air requirements. It is currently estimated that 150 million Americans breathe air that falls below federal government safety standards.

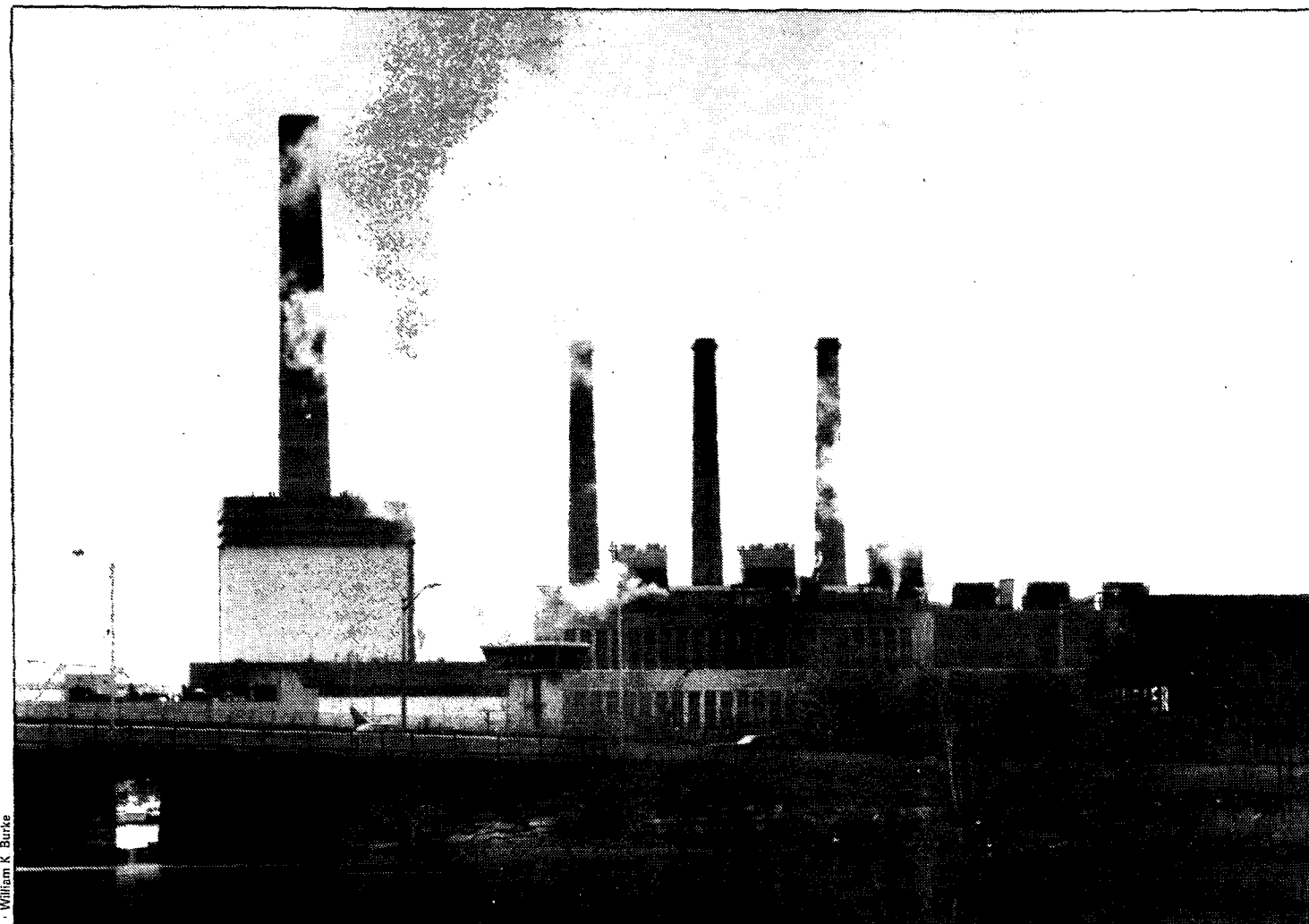
Breathing uneasy: Industry lobbyists complained that the Senate bill would cost twice as much to implement as a similar bill now in the House. Environmentalist responses to the Senate bill ranged from cautious optimism that the green lobby could use the House bill to regain provisions lost in the Senate to outrage that Senate Majority Leader George Mitchell (D-ME) compromised health and ecology to get the bill passed.

"That bill will reduce pollution," says Connie Mahan of the Audubon Society. "The question is, will it go far enough to really clean up the air and provide a measure of safety for all the breathers out there? We're not sure it will."

Mahan thinks some of the battles lost by environmentalists in the Senate might be won in the House. The most important of these is a provision that would have allowed the federal government to write pollution-control plans for states and cities that don't meet clean-air standards on their own. But even if the provision passes the House, it would mean only a return to current laws. And any bill coming out of the House will have to meet the approval of House Energy and Commerce Chairman John Dingell (D-MI), a staunch ally of the auto industry.

"This isn't a clean-air act, it's a hold-your-breath act," says the Sierra Club's Daniel Becker. "The senators took advantage of a back-room deal to protect their favorite local polluter—they all lined up outside George Mitchell's office to do so," he adds.

In February, Mitchell introduced a much tougher version of the bill, which Republican senators immediately threatened with a filibuster. Environmental lobbyists tried to assemble enough senators to force a vote, but



Under the new clean air bill, coal-fired plants could clean up their acts and sell "pollution credits" to other culprits.

Mitchell took his bill off the Senate floor and instead struck a deal with the Bush administration and Republican Senate leaders. The new deal traded any major impact on auto emissions for a 40 percent reduction in sulfur-dioxide emissions from coal-fired electric power plants, a primary concern of Mitchell's Maine constituents.

But Mahan claims there is uncertainty as to whether the bill's sulfur-dioxide reduction would salvage lakes and streams already damaged by acid rain. "I think it will help some areas that are borderline," she says. "Nobody knows whether some of those lakes in the Adirondacks that are sterile will ever come back."

Alkaline compounds contained in soil can neutralize excess acid content in rainwater, but only for a while. Once the soil's "buffering capacity"—which varies from almost nothing to unlimited—is used up, wildlife and fish in surrounding waterways begin to die. "If you completely deplete the buffering capacity in an ecosystem, you can't ever really get it back, since natural rainwater is acidic to begin with," says Mahan. "We were looking for a 12-million-ton bill, but the [cost] difference between 10 million and 12 million tons was really quite high—it was one of those things that fell to the calculator."

Polluted commodities: The new bill does represent the first government attempt to combat acid rain. It also is the first proposal to enact the concept of "emissions trading," or pollution rights, which would benefit the giant coal-fired electric plants in the Midwest. By installing pollution-control equipment, plants can reduce their sulfur-dioxide emissions to above government standards and, in turn, earn pollution credits that can be sold to other polluters. The aim is to decrease net national pollution levels while allowing local industries to lower their pollution-fighting costs through buying and selling the credits.

While the introduction of emissions trading was a victory for industry, environmental

lobbyists did manage to block two amendments that could have effectively gutted the bill's toxics-reduction provisions. One, inserted during Mitchell's negotiations with the White House, would have allowed companies to buy out neighborhoods, and thus remove the people who are breathing polluted air, rather than install pollution-control equipment. "We called it the environmental dead-zone provision," says Mahan. "It was such an outrageous provision that

ENVIRONMENT

industry was embarrassed to lobby against removing it."

The second victory was the defeat of a White House-sponsored amendment that would have given local environmental authorities the power to issue permits allowing companies to violate the new bill's pollution standards. According to Mahan, the amendment "would have completely undermined the remaining strength of the bill. It's at that [local] level that the administrators are much more susceptible to the argument that 'We can't do this; it is going to cost us a bunch of jobs.'"

Hollow laws and big cars: Notably absent from the bill is a provision to limit the carbon-dioxide emissions believed by many scientists to cause global warming. In the course of its driving life—usually estimated at 100,000 miles—the average American car pumps out 34 tons of carbon compounds. But Bush's stand on global warming parallels that of the Reagan administration on acid rain: more studies are needed before any significant actions can be taken.

The Bush administration demanded that Mitchell scrap his initial proposal for a mandated increase in the fuel efficiency of American cars, which would have raised the average mileage rate per gallon from 27.5 to 40. Combining the administration's refusal to go along with a mileage increase and cuts in

federal funding to research renewable-energy sources like solar and wind power with the nation's \$50 billion annual imported oil bill creates a dismal impression of the economic and environmental future of the U.S.

The Senate missed a chance to show the world that it takes the atmosphere seriously. Strong action to reduce this country's output of global-warming gasses would have made American arguments that developing nations should not bulldoze their rain forests for quick profits much more convincing. An amendment offered by Timothy Wirth (D-CO) and Pete Wilson (R-CA) to tighten the bill's auto-emissions standards and require automakers to produce 1 million cars that run on alternative fuels such as methanol or natural gas was declared a "deal buster" by Senate leaders and lost 52-to-46.

Sen. Quentin Burdick (D-ND) managed to insert an amendment that exempts from the acid-rain provision coal-fired power plants in states where every county is presently meeting clean-air standards. Not surprisingly, North Dakota's five worst-polluting plants fit the bill.

This kind of short-range thinking harkens back to the days when factory and power-plant operators joked that the best air-pollution control was a strong westerly breeze. Already high-altitude trees in the U.S. are showing signs of *Waldsterben*—large-scale forest death that has ravaged central Europe, largely due to Joseph Stalin's cheap-energy policy for industrializing the former Soviet bloc.

The U.S. economy also has benefited from a cheap-energy policy that has allowed the environment to suffer while industry avoids paying for pollution controls. But unlike the countries of Eastern Europe, our government does not seem to be planning any dramatic environmental or economic reforms. □

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IN THESE TIMES APRIL 25-MAY 1, 1990 11

By Terry Allen

GENEVA, SWITZERLAND

THIS SPRING, FOR THE 46TH TIME, THE UNITED Nations Human Rights Commission (UNHRC) deliberated six weeks on the state of human rights in the world. Attending the session is like watching blood dry.

Mostly in the final weeks, the 43 commission member nations vote on a series of resolutions recommending action or censure. The 75 observer nations and dozens of non-governmental organizations (NGOs) can speak on particular issues. Leveling attacks on rival states and avoiding becoming the focus of condemnatory resolutions are basic aims of many of the attenders.

Hundreds of hours of self-serving attacks, counterattacks, parries and defenses, interspersed with chilling accounts of torture and abuse, precede the voting. A kind of blunt tedium, horrifying in itself, sets in. Even the sleek diplomats, whose expensive European cars are parked outside the cool marble Palais, acknowledge the irony of holding a human-rights conference in Geneva, an affluent, smugly efficient city far from the smell of electrode on flesh.

In the case of moderately horrendous abuses, resolutions call for the appointment of advisory services. Then, U.N. experts, subject to government approval, teach and help implement international standards within the country's offending institutions—usually the military, police and judiciary.

The designation of a special rapporteur, the commission's strongest censure, is reserved for those countries found to have consistent and gross violations. The rapporteur investigates, documents and reports back in detail to the next session on what violations were perpetrated and by whom. Needless to say, scrutiny of this kind can prove embarrassing to targeted governments.

Occasionally, the raw testimony of a victim who has the money, connections and sophistication to seek out this forum is heard. But usually internal intrigues, myopic feuds and jockeying for political advantage assume more importance than the events decried and chronicled. In the halls, restaurants and at the posh evening receptions, grim trades are made: "Vote with my country not to condemn X and I will vote with you to condemn Y."

Even more blatant deals are cut. The U.S. in particular uses its political and economic clout like a blunt instrument to bully compliance with its objectives. In the early years of the commission, which was founded after World War II, the U.S. was able to use the forum to excoriate its rivals and punish those Third World countries that were insufficiently servile. Now, however, there is a growing sense among representatives to the U.S. body that, despite its enormous military, economic and political power, the U.S. is in decline, increasingly out of touch and isolated.

It is no longer unusual for the U.S. to lose important votes. (In the commission, unlike the Security Council, voting is by majority rule and no countries have veto power.) Despite U.S. pressure, in February the commission condemned the Israeli resettlement of Soviet Jews in the Occupied Territories and the U.S. invasion of Panama. The commission also rejected loosening sanctions on South Africa.

The Cuban squeeze: When it came to the vilification of Cuba, however, the U.S. pulled out all the stops. Since the 1987 session, it has unsuccessfully tried to relegate this "bastion of Stalinism" in its backyard to the status of world pariah. To this end, the

12 IN THESE TIMES APRIL 25-MAY 1, 1990



The U.S. delegation to the U.N.'s Human Rights Commission: cowboys clinging to the 18th century?

THE POLITICS OF

U.S. has unleashed an unending stream of vitriol and expended enormous political and financial capital. Leading the latest U.S. attack was Armando Valladares, a former Batista policeman who does not speak English.

In response to this attack, the Cuban ambassador released what he claimed was a leaked State Department communique from Secretary of State James Baker to U.S. ambassadors around the world. In it Baker admitted that "our action in Panama may complicate achievement of our UNHRC goals—[but] Cuba should not be allowed to get off the hook." The main focus of the seven-party strategy detailed in the confidential report was "a high-level lobbying campaign tailored to individual countries" in which they were reminded of how much aid they might, or might not, receive from the U.S.

Despite this intense pressure, Cuba avoided sanction in the current session. But, in what the U.S. touted as a victory, the Caribbean nation was added to next year's agenda for possible action. When the close vote was announced, the U.S. delegation, in a display of tasteless and disproportionate jubilation, jumped up and down slapping each other on the back like good ol' boys after a touchdown.

The defection of several East European states—particular targets of U.S. arm-twist-

ing—from the Soviet voting bloc proved to be a key factor in the U.S. victory. Bulgaria and Hungary voted with the U.S., while Czechoslovakia and Poland (which as observers cannot vote) co-sponsored the U.S. anti-Cuban resolution.

Off the record, many delegates complain about the heavy-handed application of carrot and stick by the U.S. and quietly applaud Cuba's vocal and intransigent opposition to the Goliath to the north. They see the Cuba vote as a pyrrhic victory.

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Perhaps the most graphic evidence of increasing U.S. impotence and isolation lies in its inability to shape the overall goals and direction of the commission itself. Breaking consensus, the U.S. registered a petulant vote of "non-participation" on a U.N. definition of fundamental human rights affirming that social and economic rights must be placed on an equal footing with civil and political rights. The U.S. also rejected the concept of granting rights to states rather than only to individuals.

The French and American revolutions established the primacy of political and civil rights such as freedom of speech, assembly and property. Implementation of these liberal ideals, now called first-generation rights, was historically linked to capitalist development. They were seen as synonymous with democracy, and any country that failed to meet Western standards and values was condemned as backward and/or despotic.

For decades, the Communist bloc downplayed, postponed and scorned first-generation rights. Instead, Soviet-style socialism placed primacy on economic and social rights: housing, education, medical care and employment. This bloc, in turn, condemned as exploitative those countries that failed to implement this second generation of rights.